

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Thomas J. Hayes
Debtor(s)

Bankruptcy Case No.: 16-21018-CMB
Per July 15, 2021 Proceeding
Chapter: 13
Docket No.: 224 – 198, 208
Concil. Conf.: at

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated March 17, 2021 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☐ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$ as of . Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on at , in .*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☐ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: .
- ☒ H. Additional Terms: (1) FNMA (CI #6) to be paid per Loan Modification approved at Doc. 219 on 06/3/21.
(2) Per Counsel, no payments to PA SCDU for DSO arrears. Matter resolved in Family Ct.
(3) No further payments to PA Rev (CI #3-3) as Trustee has been advised nothing further is owed.

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.


Carlota M. Böhm, Judge
United States Bankruptcy Court

Dated: July 16, 2021

cc: All Parties in Interest to be served by Clerk in seven (7) days

In re:
Thomas J. Hayes
Debtor

Case No. 16-21018-CMB
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2
Date Rcvd: Jul 16, 2021

User: gamr
Form ID: 149

Page 1 of 3
Total Noticed: 30

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jul 18, 2021:

Recip ID	Recipient Name and Address
db	+ Thomas J. Hayes, 4033 Tall Timber Dr., Allison Park, PA 15101-3043
cr	+ Office of Attorney General, Pennsylvania Departmen, Office of Attorney General, 5th Floor, Manor Complex, 564 Forbes Avenue, Pittsburgh, PA 15219-2992
cr	+ SELECT PORTFOLIO SERVICING, INC, PO Box 65250, Salt Lake City, UT 84165-0250
cr	+ Specialized Loan Servicing LLC, PO Box 9013, ADDISON, TX 75001-9013
cr	+ Specialized Loan Servicing LLC, 14841 Dallas Parkway, Suite 425, Dallas, TX 75254-8067
cr	+ Specialized Loan Servicing LLC, 8742 Lucent Blvd, Suite 300, Highlands Ranch, CO 80129-2386
14198863	+ Allegheny County Family Division, 621 City County Building, 414 Grant Street, Pittsburgh, PA 15219-2409
15318354	+ Federal Home Loan Mortgage Corporation, as Trustee, Serviced by Select Portfolio Servicing., PO Box 65250, Salt Lake City, UT 84165-0250
14198868	+ Pennsylvania Housing Finance, 211 N. Front St., Harrisburg, PA 17101-1406
14198870	+ Riverside Commerce Center, 120 Coporate Blvd. Ste.100, Norfolk, VA 23502-4952
15000859	+ Specialized Loan Servicing LLC, 6200 S. Quebec Street, Greenwood Village, CO 80111-4720
14224284	+ Township of Hampton/Hampton Township SD, c/o Goehring Rutter & Boehm, 437 Grant Street, 14th Floor, Pittsburgh, PA 15219-6101
14198873	+ Well Fargo Home Mortgage, P.O. Box 10335, Des Moines, IA 50306-0335
14235746	+ Wells Fargo Bank NA., Attention: Bankruptcy Department, MAC# D3347-014, 3476 Stateview Boulevard, Fort Mill, SC 29715-7203

TOTAL: 14

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

Recip ID	Notice Type: Email Address	Date/Time	Recipient Name and Address
cr	+ Email/PDF: acg.acg.ebn@americaninfosource.com	Jul 17 2021 02:36:46	Ally Financial, c/o AIS Portfolio Services, LP, 4515 N Santa Fe Ave. Dept. APS, Oklahoma City, OK 73118-7901
cr	+ Email/Text: blegal@phfa.org	Jul 16 2021 23:05:00	Pennsylvania Housing Finance Agency Homeowner's Em, 211 North Front Street, P.O. Box 15206, Harrisburg, PA 17105-5206
14205915	Email/Text: ally@ebn.phinsolutions.com	Jul 16 2021 23:04:00	Ally Financial, PO Box 130424, Roseville, MN 55113-0004
14198864	+ Email/Text: ally@ebn.phinsolutions.com	Jul 16 2021 23:04:00	Ally Financial, P.O. Box 380901, Minneapolis, MN 55438-0901
14248374	Email/PDF: EBN_AIS@AMERICANINFOSOURCE.COM	Jul 17 2021 02:57:04	American InfoSource LP as agent for, Verizon, PO Box 248838, Oklahoma City, OK 73124-8838
14198865	+ Email/PDF: AIS.cocard.ebn@americaninfosource.com	Jul 17 2021 02:46:56	Capital One, P.O. Box 30281, Salt Lake City, UT 84130-0281
14210254	Email/PDF: AIS.cocard.ebn@americaninfosource.com	Jul 17 2021 02:36:46	Capital One Bank (USA), N.A., PO Box 71083, Charlotte, NC 28272-1083
14273271	+ Email/Text: kbarkley@bernsteinlaw.com	Jul 16 2021 23:05:00	Duquesne Light Company, c/o Peter J. Ashcroft,, Bernstein-Burkley, P.C., 707 Grant St., Suite 2200, Gulf Tower,, Pittsburgh, PA 15219-1945
14198867	Email/Text: sbse.cio.bnc.mail@irs.gov	Jul 16 2021 23:05:00	Internal Revenue, Stop 8420G, P.O. Box 145595, Cincinnati, OH 45250
14198866	Email/PDF: ais.chase.ebn@americaninfosource.com	Jul 17 2021 02:57:04	Chase Card, P.O. Box 15298, Wilmington, DE

District/off: 0315-2

User: gamr

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14238800	Email/Text: blegal@phfa.org	Jul 16 2021 23:05:00	19850 PHFA/HEMAP, 211 NORTH FRONT ST, PO BOX 8029, HARRISBURG, PA 17105
14198869	Email/Text: Bankruptcy.Notices@pnc.com	Jul 16 2021 23:05:00	PNC Bank, P.O. Box 3180, Pittsburgh, PA 15230
14267935	Email/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com	Jul 16 2021 23:09:15	Portfolio Recovery Associates, LLC, POB 12914, Norfolk VA 23541
14212831	Email/Text: RVSVCBICNOTICE1@state.pa.us	Jul 16 2021 23:05:00	Pennsylvania Department of Revenue, Bankruptcy Division PO Box 280946, Harrisburg, PA 17128-0946
14198871	+ Email/Text: wfmelectronicbankruptcynotifications@verizonwireless.com	Jul 16 2021 23:04:00	Verizon, 500 Technology Drive, Saint Charles, MO 63304-2225
14198872	+ Email/Text: wfmelectronicbankruptcynotifications@verizonwireless.com	Jul 16 2021 23:04:00	Verizon Wireless/South, P.O. Box 26055, Minneapolis, MN 55426-0055

TOTAL: 16

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

Recip ID	Bypass Reason	Name and Address
cr		Duquesne Light Company
cr		Federal Home Loan Mortgage Corporation, as Trustee
cr		Hampton Township School District
cr		PNC BANK, NA.
cr		Township of Hampton
cr		Wells Fargo Bank, N.A.
14216336	*+	Internal Revenue Service, 1000 Liberty Ave Room 711B, Pittsburgh, PA 15222-4107

TOTAL: 6 Undeliverable, 1 Duplicate, 0 Out of date forwarding address

NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jul 18, 2021

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on July 16, 2021 at the address(es) listed below:

Name	Email Address
Anthony T. Kovalchick	on behalf of Creditor Office of Attorney General Pennsylvania Department of Revenue akovalchick@attorneygeneral.gov
Brian Nicholas	on behalf of Creditor Federal Home Loan Mortgage Corporation as Trustee for the benefit of the Freddie Mac Seasoned Loans Structured Transaction Trust, Series 2020-1 bnicholas@kmlawgroup.com
David Z. Valencik	on behalf of Debtor Thomas J. Hayes dvalencik@c-vlaw.com cylaw.ecf.dvalencik@gmail.com;aheath@c-vlaw.com;kmosur@c-vlaw.com;bhassain@c-vlaw.com:ssimmons@c-vlaw.com;mpeduto@c-vlaw.com;rfeil@c-vlaw.com;eratti@c-vlaw.com

District/off: 0315-2

User: gamr

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Donald R. Calaiaro

on behalf of Debtor Thomas J. Hayes dcalaiaro@c-vlaw.com
cvlaw.ecf.dcalaiaro@gmail.com;aheath@c-vlaw.com;kmosur@c-vlaw.com;bhassain@c-vlaw.com;ssimmons@c-vlaw.com;mped
uto@c-vlaw.com;rfeil@c-vlaw.com;eratti@c-vlaw.com

James P. Valecko

on behalf of Creditor PNC BANK NA. jvalecko@weltman.com, PitEcf@weltman.com

Jeffrey R. Hunt

on behalf of Creditor Township of Hampton jhunt@grblaw.com cnoroski@grblaw.com

Jeffrey R. Hunt

on behalf of Creditor Hampton Township School District jhunt@grblaw.com cnoroski@grblaw.com

Jonathan Etkowicz

on behalf of Creditor Federal Home Loan Mortgage Corporation as Trustee for the benefit of the Freddie Mac Seasoned Loans
Structured Transaction Trust, Series 2020-1 jonathan.etkowicz@piblaw.com

Jonathan Etkowicz

on behalf of Creditor SELECT PORTFOLIO SERVICING INC jonathan.etkowicz@piblaw.com

Joseph P. Schalk

on behalf of Creditor Wells Fargo Bank N.A. jschalk@barley.com, sromig@barley.com

Kevin Scott Frankel

on behalf of Creditor Specialized Loan Servicing LLC pabk@logs.com logsecf@logs.com

Leon P. Haller

on behalf of Creditor Pennsylvania Housing Finance Agency Homeowner's Emergency Mortgage Assistance Program
lhaller@pkh.com dmaurer@pkh.com;lrynard@pkh.com;mgutshall@pkh.com

Mario J. Hanyon

on behalf of Creditor Wells Fargo Bank N.A. wbecf@brockandscott.com, mario.hanyon@brockandscott.com

Mark B. Peduto

on behalf of Debtor Thomas J. Hayes mpeduto@c-vlaw.com
jadam@c-vlaw.com;ssimmons@c-vlaw.com;kmosur@c-vlaw.com;apratt@c-vlaw.com;rfeil@c-vlaw.com;eratti@c-vlaw.com

Office of the United States Trustee

ustpregion03.pi.ecf@usdoj.gov

Peter J. Ashcroft

on behalf of Creditor Duquesne Light Company pashcroft@bernsteinlaw.com
ckutch@ecf.courtdrive.com;acarr@bernsteinlaw.com

Ronda J. Winnecour

cmecf@chapter13trusteedpa.com

Stephen Russell Franks

on behalf of Creditor PNC BANK NA. amps@manleydeas.com

TOTAL: 18